

March 18, 2005

Dear Friend:

Last year, using the 9/11 Commission Report as a guide, Congress passed the National Intelligence Reform Act. In addition to reorganizing our nation's intelligence system, it created a Civil Liberties Board to oversee privacy and civil liberties issues in the Executive Branch. Unfortunately, this newly created Civil Liberties Board is only a shell of what is needed in order to do its job.

This week, I introduced the "Protection of Civil Liberties Act," to amend the current board. Among its provisions, this bill would make the Board an independent agency (rather than an entity within the Executive Office of the President), give the Board subpoena power, require the Board to make full and frequent reports to Congress and the public, have access to information through privacy and civil liberties officers placed in government departments and intelligence agencies, and have fair composition (all members should be confirmed by the Senate and no more than three should be of the same political party).

Since 9/11, the powers given to the Executive Branch have greatly increased, and history has proven that an appetite for power gone unchecked can lead to gross civil liberties abuses. We saw examples of this when the Department of Justice unsuccessfully proposed the "Terrorism Information and Prevention System," or TIPS, to collect information about potential terrorists by encouraging truck drivers, postal carriers, delivery persons and others to essentially spy on their neighbors and report suspicious behavior. Another disturbing example is the utilization of powers given to the Executive Branch in the PATRIOT Act. Last October, citing powers given by the PATRIOT Act, the FBI confiscated from a public library in Whatcom County, Washington, a biography of Osama bin Laden. The FBI then served the library with a grand jury subpoena and demanded the contact information for everyone who had checked out the book. After the library filed a motion to deny the subpoena, the FBI withdrew, but reserved the right to issue the subpoena in the future.

We must have safeguards in place to protect us against such egregious privacy and civil liberties abuses, and this was the intent of the 9/11 Commission in calling for the creation of a Civil Liberties Board. In its report, the 9/11 Commission declared that the decision between security and liberty is a false choice, and that we must find ways of reconciling security with liberty because "the success of one helps protect the other." I could not agree more. As a former prosecutor and state Attorney General, I fully understand the need for law enforcement to have sufficient tools to defeat terrorists, and as an American, I believe we must not let the balance between security and liberty tip.

For more information on this legislation please [click here](#).

Very truly yours,

Tom Udall  
Member of Congress